



# LEGISLATIVE BUDGET BOARD

## **Criminal and Juvenile Justice Uniform Cost Report Fiscal Years 2017 and 2018**

**SUBMITTED TO THE 86TH TEXAS LEGISLATURE**

**PREPARED BY LEGISLATIVE BUDGET BOARD STAFF**

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# TEXAS JUVENILE JUSTICE DEPARTMENT

The Texas Juvenile Justice Department (TJJD) provides programming and rehabilitative services to juveniles committed to state residential facilities and regulatory oversight and financial and professional assistance to local juvenile probation departments. These functions are categorized in the following sections as State Services and Facilities (SSF) and Probation Services (PS). **Appendix A** shows the methodology used to calculate costs per day and outlines any methodological changes from previous years. **Appendix C** describes these programs. **Figure 10** shows the areas for which uniform costs were computed.

## STATE SERVICES AND FACILITIES

The SSF function of TJJD is responsible for the confinement and rehabilitation of juveniles who are adjudicated for felony-level offenses and committed to TJJD. TJJD operates secure facilities and halfway houses, places and monitors juveniles in contract residential facilities, and supervises juveniles upon release to parole supervision.

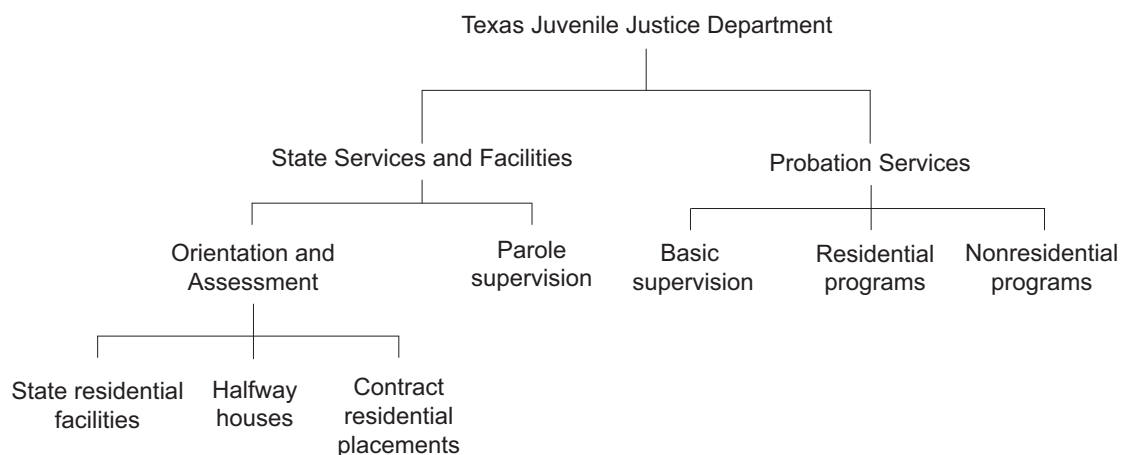
**Appendix C** describes SSF programs. **Figure 11** shows costs per day for various SSF populations.

SSF costs per day have increased primarily as a result of a decrease in the average daily population, which stems from

a decrease in commitments to TJJD and agency-led efforts to conduct additional proactive case reviews to ensure the release or discharge of juveniles whom agency staff determined should no longer be in secure facilities. TJJD's average daily population decreased from 1,291 in fiscal year 2017 to 1,170 in 2018 in part due to a reduction in the length of stay of juveniles committed. These ongoing case reviews of juveniles' behavior and progress in treatment, which began during fiscal year 2018, are resulting in shorter lengths of stay than otherwise would have occurred.

The expenditures associated with the orientation and assessment process are computed separately because all juveniles committed to state custody receive orientation and assessment before long-term placement. These costs are in addition to the costs of state custody. After an individual completes orientation and assessment, he or she is assigned to a bed within a state secure residential facility, halfway house, or a contract residential placement. The average length of orientation and assessment services before assignment to a long-term placement was 34.7 days for fiscal year 2017 and 36.4 days for fiscal year 2018. As with state residential facilities, the decrease in the average daily population from fiscal years 2017 to 2018 resulted in an increase in the cost per day.

**FIGURE 10**  
**TEXAS JUVENILE JUSTICE DEPARTMENT POPULATIONS AND PROGRAMS INCLUDED IN THE CRIMINAL AND JUVENILE JUSTICE UNIFORM COST REPORT, FISCAL YEARS 2017 AND 2018**



SOURCE: Legislative Budget Board.



**FIGURE 11**  
**COSTS PER DAY FOR TEXAS JUVENILE JUSTICE**  
**DEPARTMENT STATE SERVICES AND FACILITIES**  
**POPULATIONS, FISCAL YEARS 2017 AND 2018**

POPULATION	2017	2018
Orientation and Assessment	\$105.80	\$114.18
State Residential Facilities	\$456.38	\$479.56
Contract Residential Placements	\$205.06	\$210.11
Halfway Houses	\$338.48	\$335.72
Parole Supervision	\$38.85	\$41.07
SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.		

Contract residential placement costs include expenditures for state employees who work as quality assurance and contract specialty staff. In certain circumstances, TJJD staff may determine placement in a contract residential facility is appropriate. TJJD contracts with private providers whose programs include services like organized family care, vocational trade services, and gender-specific residential services. A decrease in the average daily population of 26 individuals, or 22.5 percent, resulted in an increase in the contract residential placement cost per day.

TJJD provides education services to juveniles in state secure residential facilities. The cost per day for education and workforce services for state residential services was \$73.26 for fiscal year 2017 and \$75.10 for fiscal year 2018, excluding benefits and indirect administration costs. During fiscal years 2017 and 2018, individuals in contract residential placement facilities and halfway houses either attended local public schools or received education services on site from teachers provided by local school districts.

## PROBATION SERVICES

The Probation Services function of TJJD is responsible for providing state funding and oversight for the supervision of juveniles in the community. TJJD distributes funds to local juvenile probation departments that provide supervision and services to juveniles, both in residential and nonresidential programs. **Appendix C** shows program descriptions.

### NONRESIDENTIAL PROGRAMS

Juveniles may be placed in nonresidential programs for rehabilitative purposes or as an alternative to residential placement. **Figure 12** shows costs per day for various nonresidential programs within juvenile probation.

**FIGURE 12**  
**COSTS PER DAY FOR PROBATION SERVICES**  
**NONRESIDENTIAL PROGRAMS**  
**FISCAL YEARS 2017 AND 2018**

POPULATION	2017	2018
Prevention and Intervention		
State Cost	\$4.10	\$4.68
Local Cost	\$3.22	\$2.71
<b>Total</b>	<b>\$7.32</b>	<b>\$7.39</b>
Basic Supervision		
State Cost	\$3.72	\$3.53
Local Cost	\$10.10	\$10.02
<b>Total</b>	<b>\$13.82</b>	<b>\$13.55</b>
Community Programs		
State Cost	\$12.36	\$12.28
Local Cost	\$8.68	\$7.83
<b>Total</b>	<b>\$21.04</b>	<b>\$20.11</b>
Special Needs Diversionary Program		
State Cost	\$13.27	\$13.88
Local Cost	\$15.53	\$10.36
<b>Total</b>	<b>\$28.80</b>	<b>\$24.24</b>
Commitment Diversion (nonresidential)		
State Cost	\$28.32	\$27.46
Local Cost	\$18.36	\$18.10
<b>Total</b>	<b>\$46.68</b>	<b>\$45.56</b>
Mental Health (nonresidential)		
State Cost	\$35.12	\$44.41
Local Cost	\$32.41	\$35.25
<b>Total</b>	<b>\$67.53</b>	<b>\$79.66</b>
Juvenile Justice Alternative Education Program – Reimbursement Rate	\$96.00	\$96.00

SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

The basic probation cost per day remained stable through fiscal year 2018.

In addition to meeting with a juvenile probation officer, youth often are required to participate in nonresidential programs as a condition of supervision. Nonresidential programs can be as short as one day or as long as the supervision period, and an individual can be required to participate in more than one program at a time.

Juvenile probation departments report local expenditure data for a number of nonresidential programs. In addition to the cost-per-day amounts previously discussed, local juvenile probation departments incur costs associated with processing juveniles before case disposition. These local expenditures are associated with the court intake process and include general expenses for probation departments and administrative costs. These costs per day were \$12.45 in fiscal year 2017 and \$12.88 in fiscal year 2018.

Juveniles whose cases have been referred formally to and disposed by the probation department and who are being supervised on deferred prosecution or adjudicated probation are eligible to participate in Commitment Diversion Programs. These community-based programs are designed to provide alternatives for those at risk of commitment and can include intensive supervision probation, family preservation services, parenting skills, and mental health services. The cost per day decreased from fiscal years 2017 to 2018 because of an increase of 64 individuals, or 10.0 percent, in the average number of individuals served. In addition to paying for commitment diversion programs, commitment diversion funds paid for 356 onetime youth services and 214 behavioral services during fiscal year 2018. Onetime youth services included single-session counseling, single-session classes, clothing, and supplies, while behavioral services included evaluations and assessments.

The nonresidential mental health programs provide services necessary to treat, care for, supervise, and rehabilitate youth with mental illness. The programs and services can include mental health screenings and assessments; behavior interventions; medications; mental health case management; individual, family, and group counseling; skills training; wrap-around services; and placement to address an identified mental health need. The cost per day increased from fiscal years 2017 to 2018 because of a decrease of 111 individuals, or 15.9 percent, in the average number of individuals served, which the agency reported was a result of the increase in the mental health provider contract rate. In addition to paying for services provided in mental health programs, nonresidential mental health program funds paid for 2,671 onetime behavioral services rendered during fiscal year 2018. Behavioral health services provided by nonresidential mental health programs included evaluations, crisis intervention, doctor visits, screenings, medication management, assessments, single counseling sessions, and other services.

The General Appropriations Act limits reimbursement to counties providing services to juveniles subject to mandatory expulsion for certain felony offenses. The Eighty-fifth Legislature, General Appropriations Act, 2018–19 Biennium, limited the reimbursement rate to \$96.00 per juvenile per day for both fiscal years for these mandatory expulsions. Local jurisdictions provide additional funds to supplement services delivered to juveniles removed from schools under mandatory and discretionary expulsion policies. The Texas Education Code, Section 37.007, includes felony offenses for which expulsion is required.

### RESIDENTIAL PROGRAMS

Juveniles may be placed in detention before adjudication or placed in residential programs for rehabilitative purposes following adjudication. **Figure 13** shows costs per day for various residential programs within juvenile probation.

Some individuals on supervision may need more intensive services than those that can be provided in a nonresidential setting and may be placed within a residential facility. Residential programs vary in length and may require participation in aftercare.

In some instances, a juvenile judge may find it necessary to hold a juvenile temporarily in a detention/pre-adjudication facility before the case is disposed. These facilities provide education and some programming services to juveniles held before disposition. Both juvenile probation departments and private vendors operate detention/pre-adjudication and post-adjudication facilities. The average length of stay in detention was 19.8 days for fiscal year 2017 and 18.4 days for fiscal year 2018. An increase in state and local expenditures coupled with a slight decrease of 29 individuals, or 1.9 percent, in the average daily population resulted in an increase in the cost per day from fiscal years 2017 to 2018 for detention/pre-adjudication facilities.

Post-adjudication facilities provide programs and rehabilitative services to youth. The average length of stay in secure post-adjudication facilities was 151.6 days for fiscal year 2017 and 150.9 days for fiscal year 2018. The average length of stay in nonsecure post-adjudication facilities was 140.1 days for fiscal year 2017 and 123.1 days for fiscal year 2018. An increase of 100 individuals, or 7.3 percent, in the average daily population, coupled with decrease in total expenditures, resulted in an overall decrease in the post-adjudication cost per day.

Commitment diversion programs are residential programs provided to juveniles who are at risk of commitment to TJJD. These programs are targeted to each juvenile's needs and can include placement in county-operated or private facilities. Before fiscal year 2013, these expenditures were included in the post-adjudication facilities' costs per day. Commitment diversion costs per day include the costs of residential placement paid by commitment diversion funds. These funds typically are pooled with other local and state funds to fully fund residential placements. For example, a contract residential placement may cost \$150.00 per day. A juvenile probation department may pay \$100.00 per day from commitment diversion funds and \$50.00 per day from local funds to fully fund the placement. A slight decrease of five individuals, or 1.9 percent, in the population and an increase in expenditures resulted in an increase in the commitment diversion residential program cost per day.

Residential mental health services are provided to juveniles with significant mental health issues. These programs can include placement in county-operated or private facilities and services from full-time mental health professional staff hired by local juvenile probation departments. According to TJJD, many of the mental health residential services are provided by Department of Family and Protective Services-licensed facilities. When allowable rates increased by 20.0 percent during fiscal 2018, placement costs increased for probation departments. Costlier residential mental health services led to a decrease in the average daily population by 14 individuals, or 16.9 percent, which consequently increased the residential mental health services cost per day.

Senate Bill 1630, Eighty-fourth Legislature, 2015, created the Regional Diversion Alternatives (RDA) program. The program provides community-based residential alternatives to incarceration within state residential facilities. It began serving individuals during the last quarter of fiscal year 2016, with the first full year of program implementation in fiscal year 2017. The increase in the cost per day for the RDA Program from fiscal years 2017 to 2018 was due to the increase in the average daily population and associated expenditures. In addition to the programming youth receive within residential facilities, many in the RDA Program also participate in aftercare. Aftercare is an intensive type of case management for those recently released from residential placement that lasts approximately four months. This program component typically begins

**FIGURE 13**  
**COSTS PER DAY FOR PROBATION SERVICES RESIDENTIAL PROGRAMS, FISCAL YEARS 2017 AND 2018**

POPULATION	2017	2018
Detention/Pre-adjudication		
State Cost	\$12.79	\$14.84
Local Cost	\$238.57	\$253.79
<b>Total</b>	<b>\$251.36</b>	<b>\$268.63</b>
Post-adjudication Facilities		
State Cost	\$36.68	\$32.87
Local Cost	\$142.77	\$126.48
<b>Total</b>	<b>\$179.45</b>	<b>\$159.35</b>
Commitment Diversion (residential)		
State Cost	\$140.48	\$146.79
Local Cost	\$246.82	\$289.65
<b>Total</b>	<b>\$387.30</b>	<b>\$436.44</b>
Mental Health (residential)		
State Cost	\$225.59	\$231.04
Local Cost	\$266.79	\$297.01
<b>Total</b>	<b>\$492.38</b>	<b>\$528.05</b>
Regional Diversion Alternatives (residential)		
State Cost	\$171.47	\$207.82
Local Cost	\$25.80	\$72.24
<b>Total</b>	<b>\$197.27</b>	<b>\$280.06</b>

SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

before release and includes coordinating services and programming with the goal of successfully reintegrating the individual into the community.